

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47478 of 2017

Arising Out of PS.Case No. -28 Year- 2017 Thana -BACHWARA District- BEGUSARAI

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Dhananjay Ishwar, Son of Ram Sewak Ishwar, Resident of Village-
Bharaul, P.S.- Bachwara, District- Begusarai.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abhay Kumar

For the Opposite Party/s : Mr. Sri Rajendra Nath Jha

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 30-11-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since
12.06.2017 in connection with Bachwara P.S. Case No. 28 of 2017
for offences punishable under Sections 326/37 of the Indian Penal
Code and Section 27 of the Arms Act.

The prosecution case, as lodged by the informant, is
that while he had gone to attend the marriage ceremony of son of
one Ranjan Ishwar. On Bidai chocolates were being distributed
and firing was being done. One of the bullet hit the informant on
his abdomen.

It has been submitted by the learned counsel for the
petitioner that he is innocent, not named in the F.I.R. and his name



surfaced only on the confessional statement of one Kanhaiya Kumar before the police which has no evidentiary value in the eye of law. He submits that there was a Barat party and all the Barati were rejoicing and firing and there was no motive behind the said occurrence. He submits that charge-sheet has already been submitted and there is no allegation of tampering of the prosecution witnesses by the petitioner.

However, learned APP for the State opposes the prayer for bail stating therein that firing made by the petitioner has hit the informant and the injury has been found to be grievous and that the petitioner has a criminal antecedent and as many as three cases are pending against him.

Considering the facts and circumstances and the materials on record, let petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sub Judge VII-cum-A.C.J.M., VI, Begusarai in connection with Bachwara P.S. Case No. 28 of 2017, subject to the conditions that:

- (i) Both the bailors would be close relative of the petitioner having sufficient immovable property, who will file an affidavit stating their relationship with the petitioner.
- (ii) Petitioner will appear before the learned court below



during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(Nilu Agrawal, J)

Devendra/-

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